

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric Wachter et al.

Serial No.:

Filed: Herewith

For: Method For Improved Selectivity)  
In Photoactivation And  
Detection Of Molecular  
Diagnostic Agents

Examiner:

Art Unit:

)  
) "Express Mail" Mailing Label No. E10239 7327945

) Date of Deposit MAY 5 1998

) I hereby certify that this paper or fee is being  
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) under 37 CFR 1.10 on the date indicated above  
) and is addressed to the Assistant Commissioner  
) for Patents, Washington, D.C. 20231.

) Name Casindra Himmelstein  
) (typed or printed)

) Signature Casindra Himmelstein

May 5, 1998

ASSIGNEE'S STATEMENT OF STATUS  
AS A SMALL ENTITY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned Declarant, on behalf of the assignee of the captioned application, respectfully submit this verified STATEMENT OF STATUS AS A SMALL ENTITY pursuant to 37 C.F.R. §1.9 and 1.27.

1. PHOTOGEN, INC. a Tennessee corporation existing under the State of Tennessee is the Assignee of the entire right, title and interest in the above-identified patent application of Eric Wachter and H. Craig Dees filed herewith as shown by the Assignment, a copy of which is attached hereto.

2. Declarant is the Secretary of PHOTOGEN, INC. a corporation organized and existing under the laws of the State of

1365050-13622050

Tennessee, having offices at 7327 Oak Ridge Highway, Knoxville, Tennessee 37931. Declarant is empowered to act on behalf of PHOTOGEN, INC. for matters relating to prosecution of the above-identified patent application.

3. PHOTOGEN, INC. has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license any rights in the invention or application to any person.

4. PHOTOGEN, INC. is a small business concern as defined by 37 C.F.R. §1.9(d), having fewer than 500 employees.

Declarant acknowledges PHOTOGEN'S obligation to notify the United States Patent Office, prior to or at the time of paying the issue fee in this case, of any change in its status as a small business concern, or of any obligation to assign, grant, convey or license or any actual assignment, grant, conveyance, or license of the above cited patent application to other than a small entity as defined by 37 C.F.R. §1.9.

Declarant acknowledges that willful false statements and the like so made herein are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of any patent resulting therefrom.

PHOTOGEN, INC.

Dated: 5 May 98

BY:

R. Ward

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric Wachter et al.

Serial No.: 08/741,370

Filed: October 30, 1996

For: Method For Improved Selectivity  
In Photoactivation And  
Detection Of Molecular  
Diagnostic Agents

Examiner: K. Riskin

Art Unit: 3312

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to: Assistant  
Commissioner for Patents, Washington,  
D.C. 20231, on March 16, 1998



Date March 16, 1998

**REVOCATION OF POWER OF PRIOR POWER OF ATTORNEY  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

Please revoke all prior powers of attorney.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this  
application and transact all business in the Patent and Trademark Office connected  
therewith.

Edward D. Manzo, 28,139

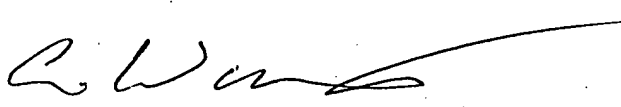
Send correspondence to:

Direct telephone calls to:

Edward D. Manzo, Esq.  
COOK, MCFARRON & MANZO, LTD.  
135 South LaSalle Street  
Suite 4100  
Chicago, Illinois 60603

Edward D. Manzo, Esq.  
(312) 236-8500

I am an officer of the assignee of record of the entire interest and authorized to sign  
on behalf of the assignee.

  
Eric Wachter  
Secretary  
Photogen Inc.

00072963-050596  
365050-29622060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Eric Wachter et al.

Serial No.:

Filed: Herewith

For: Method For Improved Selectivity  
In Photoactivation And  
Detection Of Molecular  
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) under 37 CFR 1.10 on the date indicated above  
) and is addressed to the Assistant Commissioner  
) for Patents, Washington, D.C. 20231.

) Name *Cassandra Himmelstein*  
) (typed or printed)

) Signature *Cassandra Himmelstein*

May 5, 1998

Assistant Commissioner for Patents  
Washington, D.C. 20231

APPOINTMENT OF ASSOCIATED ATTORNEYS

Sir:

Please recognize the following as my associate attorneys in the above-captioned application:

Granger Cook, Jr.	Reg. No. 18,283
Gary W. McFarron	Reg. No. 27,357
Stephen B. Heller	Reg. No. 30,181
Andrew G. Kolomayets	Reg. No. 33,723
Mark J. Murphy	Reg. No. 34,225
John R. Lagowski	Reg. no. P41,922

Respectfully submitted,

*Edward Manzo*

Edward D. Manzo  
Registration no: 28,139

Dated: May 5, 1998

COOK, McFARRON & MANZO, LTD.  
200 W. Adams Street  
Suite 2850  
Chicago, Illinois 60606  
(312) 236-8500

UTILITY

DECLARATION AND POWER OF ATTORNEY

As a below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are an original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD FOR IMPROVED SELECTIVITY IN PHOTO-ACTIVATION AND DETECTION OF MOLECULAR DIAGNOSTIC AGENTS, the specification of which

(check [X] is attached hereto  
one) [ ] was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended  
on \_\_\_\_\_  
(if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	[ ] Yes	[ ] No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	[ ] Yes	[ ] No

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to RICHARD M. KESSLER, ESQ. 11324 Gates Mill Drive, Knoxville, Tennessee 37922-1752. Telephone No. (423) 777-0244.

Richard M. Kessler

Registration No.: 35,214

Full name of first inventor Eric A. Wachter 1-00

Inventor's signature Eric A. Wachter

October 30, 1996  
Date

Residence 138 Bav Path Drive, Oak Ridge, Tennessee 37830

Citizenship United States of America TN

Post Office Address 138 Bav Path Drive  
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\*\*\*

Full name of second joint inventor Walter G. Fisher 2-00

Inventor's signature Walter G. Fisher

October 30, 1996  
Date

Residence 8514 Carl Valentine Road, Knoxville, Tennessee 37931

Citizenship United States of America TN

Post Office Address 8514 Carl Valentine Road  
Knoxville, Tennessee 37931

\*\*\*

Full name of third joint inventor H. Craig Dees 3-00

Inventor's signature H. Craig Dees

October 30, 1996  
Date

Residence 1805 Sun Chase Apartments, 790 North Cedar Bluff Road, Knoxville, TN 37923

Citizenship United States of America

Post Office Address 1805 Sun Chase Apartments, 790 North Cedar Bluff Road  
Knoxville, TN 37923

\*\*\*

ADDRESS CORRESPONDENCE:

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11324 Gates Mill Drive  
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